UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,937	06/08/2004	Hsin-Hsien Yu	ACMP0069USA	3936

27765 7590 02/03/2006

NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION
P.O. BOX 506
MERRIFIELD, VA 22116

EXAMINER	
KHAN, SUHAIL	
ART UNIT	**PAPER NUMBER**
2686	

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/709,937	YU, HSIN-HSIEN	
	Examiner	Art Unit	
	Suhail Khan	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 November 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-2, 6 and 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6754470 to Hendrickson et al in view of U.S. Patent No. 6717915 to Liao et al.

Referring to **claim 1**, Hendrickson et al disclose a method for controlling a cellular phone (col 14, lines 48-52, control processes, wireless device; col 7, lines 36-38, mobile telephone handsets), the cellular phone comprising a memory (col 7, lines 60-65, memory) and a clock (col 25, line 37-42, device clock), the method comprising: (a) storing a time and a content of work executed at the time into the memory (col 4, lines 40-47, data gathering for collecting device parametric data and time stamp data; col 7, lines 60-65, information collected may be stored on the device's volatile and/or non-volatile memory); (b) taking statistics of each time of the work (col 4, lines 40-47, device parametric data and time stamp data). Hendrickson et al do not disclose (c) controlling a user interface of the cellular phone according to the statistics and the time counted by the clock. The examiner maintains that the concept of controlling a user interface of the cellular phone according to the statistics and the time counted by the clock, was well known in the art as taught by Liao et al.

In a similar field of endeavor, Liao et al show controlling the timing and performance behaviors of mobile devices (col 5, lines 1-3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Liao et al to show a method for controlling a cellular phone, the cellular phone comprising a memory and a clock, the method comprising: (a) storing a time and a content of work executed at the time into the memory; (b) taking statistics of each time of the work; and (c) controlling a user interface of the cellular phone according to the statistics and the time counted by the clock, as taught by Liao et al, the motivation being adjusting timing parameters for a wireless data network (col 1, lines 60-65).

Referring to **claim 2**, Hendrickson et al disclose the method of claim 1 wherein the content of work comprises turning on the cellular phone, turning off the cellular phone, dialing, sending messages, browsing homepages, downloading data from homepages, and showing remaining power of the cellular phone (col 10, lines 20-35, applications, internet browsing activity, voice and data call, messaging, power).

Referring to **claim 6**, Hendrickson et al disclose the method of claim 1 wherein step (c) is to control the cellular phone to generate a message according to the statistics and the time counted by the clock (col 20, lines 31-37, gathered data is sent to the control center, data is interpreted as being the message).

Referring to **claim 11**, Hendrickson et al disclose the method of claim 1 wherein step (c) is to control the cellular phone when the clock of the cellular phone reaches the statistics on the time obtained in step (b) (col 14, lines 48-55, control center manages the quality control processes of the data from each wireless device as well as the overall administration of the network; also, col 3, lines 55-65, control settings; col 4, lines 40-47, device parametric data and time stamp data).

Referring to **claim 12**, Hendrickson et al disclose a cellular phone for implementing the method of claim 1 (col 7, lines 36-38, mobile telephone handsets).

Referring to **claim 13**, Hendrickson et al disclose the method of claim 1, wherein controlling the user interface of the cellular phone comprises powering on the cellular phone at a specific time calculated (col 4, lines 40-47, device parametric data and time stamp data; col 10, lines 20-35, power).

Referring to **claim 14**, Hendrickson et al disclose method of claim 1 wherein controlling the user interface of the cellular phone comprises providing the user with a reminder about a normally scheduled event at a specific time calculated according to the statistics taken and the time counted by the clock (col 4, lines 40-47, device parametric data and time stamp data; col 10, lines 20-35, applications, messaging, power).

Referring to **claim 15**, Hendrickson et al disclose the method of claim 1 wherein controlling the user interface of the cellular phone comprises downloading email at a specific time calculated according to the statistics taken and the time counted by the clock (col 4, lines 40-47, device parametric data and time stamp data; col 10, lines 20-35, applications, internet browsing activity).

Referring to **claim 16**, Hendrickson et al disclose method of claim 1 wherein controlling the user interface of the cellular phone comprises downloading predetermined website data at a specific time calculated according to the statistics taken and the time counted by the clock (col 4, lines 40-47, device parametric data and time stamp data; col 10, lines 20-35, applications, internet browsing activity

3. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6754470 to Hendrickson et al in view of U.S. Patent App. Pub. No. 2002/0065117 to Suda.

Referring to **claim 3**, Hendrickson et al disclose the method of claim 1 which includes storing a time and a content of work executed into the memory (col 4, lines 40-47, data gathering for collecting device parametric data and time stamp data; col 7, lines 60-65, information collected may be stored on the device's volatile and/or non-volatile memory). Hendrickson et al do not disclose stopping storing the time and the content of work executed at the time into the memory. The examiner maintains that the concept of stopping storing the time and the content of work executed at the time into the memory was well known in the art as taught by Suda.

In a similar field of endeavor, Suda shows providing a stop instruction (page 1, paragraph 8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hendrickson et al to show stopping storing the time and the content of work executed at the time into the memory, as taught by Suda, the motivation being power control (Suda, page 2, paragraph 18).

Referring to **claim 4**, Hendrickson et al disclose the method of claim 1 which includes collecting data (col 4, lines 40-47, data gathering for collecting device parametric data and time stamp data; col 7, lines 60-65, information collected may be stored on the device's volatile and/or non-volatile memory). Hendrickson et al do not disclose stopping taking the statistics of each time of work. The examiner maintains that the concept of stopping taking the statistics of each time of work was well known in the art as taught by Suda.

In a similar field of endeavor, Suda shows providing a stop instruction (page 1, paragraph 8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hendrickson et al to show stopping taking the statistics of each time of work, as taught by Suda, the motivation being power control (Suda, page 2, paragraph 18).

Referring to **claim 5**, Hendrickson et al disclose the method of claim 1 which includes collecting data (col 4, lines 40-47, data gathering for collecting device parametric data and time stamp data; col 7, lines 60-65, information collected may be stored on the device's volatile and/or non-volatile memory). Hendrickson et al do not disclose stopping controlling the cellular phone according to the statistics and the time counted by the clock.

In a similar field of endeavor, Suda shows providing a stop instruction (page 1, paragraph 8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hendrickson et al to show stopping controlling the cellular phone according to the statistics and the time counted by the clock, as taught by Suda, the motivation being power control (Suda, page 2, paragraph 18).

4. Claims 7-9 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6754470 to Hendrickson et al. in view of U.S. Patent App. Pub. No. 2002/0032020 to Brown et al.

Referring to **claim 7**, Hendrickson et al disclose the method of claim 6 (col 20, lines 31-37, gathered data is sent to the control center, data is interpreted as being the message). Hendrickson et al. do not disclose that the message is a ringing tone. The examiner maintains

that the concept of the message being a ring tone was well known in the art as taught by Brown et al.

In a similar field of endeavor, Brown et al show rings, tones (page 1, paragraph 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hendrickson et al to show that the message is a ringing tone, as taught by Brown et al, the motivation being different alerting methods (page 2, paragraph 11).

Referring to **claim 8**, Hendrickson et al disclose the method of claim 6 (col 20, lines 31-37, gathered data is sent to the control center, data is interpreted as being the message). Hendrickson et al. do not disclose that the message is a text message. The examiner maintains that the concept of the message being a text message was well known in the art as taught by Brown et al.

In a similar field of endeavor, Brown et al show text messages (page 1, paragraph 5)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hendrickson et al to show that the message is a text message, as taught by Brown et al, the motivation being different alerting methods (Brown et al, page 2, paragraph 11).

Referring to **claim 9**, Hendrickson et al disclose the method of claim 6. Hendrickson et al. do not disclose that the message is vibration. The examiner maintains that the concept of the message being vibration was well known in the art as taught by Brown et al.

In a similar field of endeavor, Brown et al show vibration (Brown et al, page 1, paragraph 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hendrickson et al to show that the message is a vibration, as taught by Brown et al, the motivation being different alerting methods (Brown et al, page 2, paragraph 11).

5. Claim 10 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6754470 to Hendrickson et al in view of U.S. Patent No. 6141563 to Miller et al.

Referring to **claim 10**, Hendrickson et al disclose the method of claim 1 further comprising: obtaining statistics on the time and the content of work (col 4, lines 40-47, data gathering for collecting device parametric data and time stamp data; statistics can be obtained at different instances and hence compared) and entering a password (col 11, lines 40-44). Hendrickson et al do not disclose that after a password of the cellular phone is changed for a period of time, comparing each time and content of work after the password was changed with the statistics on the time and the content of work before the password was changed; and if the time and the content of work before the password was changed; and if the time and the content of work after the password was changed do not substantially match the statistics on the time and the content of work before the password was changed, generating a message according to a call-out record of the cellular phone before the password was changed. The examiner maintains that the concept that after a password of the cellular phone is changed for a period of time, comparing each time and content of work after the password was changed with the statistics on the time and the content of work before the password was changed; and if the time and the content of work before the password was changed; and if the time and the content of work after the password was changed do not substantially match the statistics on the time and the content of work before the

password was changed, generating a message according to a call-out record of the cellular phone before the password was changed, was well known in the art as taught by Miller et al.

In a similar field of endeavor, Miller et al show changing the subscriber unit password (col 4, lines 53-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hendrickson et al to show after a password of the cellular phone is changed for a period of time, comparing each time and content of work after the password was changed with the statistics on the time and the content of work before the password was changed; and if the time and the content of work before the password was changed; and if the time and the content of work after the password was changed do not substantially match the statistics on the time and the content of work before the password was changed, as taught by Miller et al., the motivation being decreasing theft and misappropriation of subscriber units (Miller et al, col 1, lines 45-50).

Response to Arguments

6. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suhail Khan whose telephone number is (571) 272-7910. The examiner can normally be reached on M-F from 8 am to 4:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold, can be reached at (571) 272-7905.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sk

CHARLES APPIAH
PRIMARY EXAMINER